



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CADILLAC DISTRICT OFFICE

*Williamsburg Rec. + Sto  
G.T. Co*



STEVEN E. CHESTER  
DIRECTOR

June 27, 2005

US EPA RECORDS CENTER REGION 5



527076

**FILE COPY**

CERTIFIED MAIL

Mr. Chris Hubbell  
Cherry Blossom, LLC  
10190 Munro Road  
Williamsburg, MI 49690

Dear Mr. Hubbell:

The Department of Environmental Quality (DEQ), Water Bureau (WB), Cadillac District Office, has received the Proposed Pond Irrigation Plan (Plan) submitted by Mr. Andrew Smits of Inland Seas Engineering. The pond has been a source of odors that have generated many complaints. The original odor control work plan for the pond was submitted on August 26, 2002 and approved under the authority of Consent Order WMD 31-07-02 (Consent Order). Irrigation of the pond water is considered an addendum to the original odor control work plan. The plan is approved, with the following modifications:

1. Storm water may not be used as dilution water unless it is tested and shown to be free of contaminants. Storm water sampled on June 6 was found to be contaminated. Please see the attached sampling results. The results of any storm water samples collected for this purpose must be submitted to the DEQ upon their receipt by Williamsburg Receiving and Storage (WRS).
2. Efforts to control odors emitted from the pond and during the dilution and irrigation processes must be made. Such efforts may include, but not be limited to, liming of water and pond sidewalls as the pond water is withdrawn and as sidewalls are exposed; removal of dead vegetation from pond sidewalls and bottom; removal of pond solid residuals and disposal of such according to Part 115 of the Natural Resources and Environmental Protection Act, Act 451 P.A. 1994 as amended (NREPA); and placing temporary covering over dilution pits if they are found to be a source of odors. If irrigation water is found to emit odors, irrigation must be accomplished by methods that do not spray water into the air such as trickle irrigation or low head sprinklers.
3. Compliance Monitoring Reports (CMRs) required under groundwater permit M00836 (Permit) must be sent to the DEQ Cadillac District Office, monthly during irrigation, rather than quarterly.
4. Sampling of the batch water that demonstrates that the effluent limitations as stated in the Permit are being met must be submitted along with the CMRs.

5. All water contained in the pond must be disposed of in accordance with this letter and the Plan within 90 days of the date of receipt of this letter.
6. After disposal of the water, WRS must begin the process of closing the pond as outlined under R 2226 of the Part 22 Rules promulgated under Part 31 of the NREPA.

Please note that the Permit also requires compliance with the Irrigation Management Plan (IMP) dated March 28, 2000. Irrigation areas used in the past for storm water are not included as areas for irrigation of process water according to the IMP. During a telephone conversation on June 27, we discussed that you wish to bring a rye field into the irrigation area approved under the IMP. Please send me a map, which shows acreage, property lines, and soil type, and I may approve a revision to the IMP to include this area as appropriate.

During the June 27 conversation, we discussed current wastewater disposal from the plant. The company continues to generate wastewater without a clear method to treat and dispose of the waste. You informed me that WRS is collecting wastewater in cherry brine pits on the property. Water collecting in the pond has been the source of odors and problems that resulted in many of the compliance issues outlined in the Consent Order. In accordance with paragraph 4.1.b(1)(i) of the Consent Order, all process wastewater must be placed in sealed tanks and lawfully transported and disposed of pursuant to Part 121, Liquid Industrial Wastes, of the NREPA. You must immediately stop storing wastewater in pits.

The DEQ met with WRS staff in December of 2004. At that time, the DEQ was informed that a groundwater discharge permit application would be made this spring. WRS still does not have a plan in place as to how to dispose of wastewater. All wastewater must either be treated and discharged at the site under a valid discharge permit or pumped and hauled.

WRS must apply for a groundwater discharge permit or revise the groundwater Permit before discharging any water that is not specifically identified in the Permit, other than water currently held in the pond and approved for discharge through this letter. The discharge of water to the ground or groundwater without authorization is a violation of Part 31 of the NREPA.

In addition, the cherry harvest will begin within a month. You have indicated that WRS plans to irrigate the water used to transport cherries. The unpermitted discharge of this water resulted in a demand for stipulated penalties letter dated February 24, 2005. WRS still does not have a groundwater discharge permit for this water. The discharge of this water is not authorized, and any discharge without a permit is a violation of Part 31 of the NREPA.

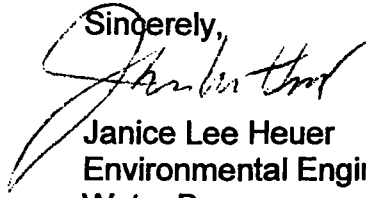
This letter, and the approval to discharge water from the pond, does not relieve the WRS of any liability for past or continuing violations of the Permit, Part 31 of the NREPA, or the Consent Order. The DEQ reserves its right to take all necessary and

Mr. Chris Hubbell  
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June 30, 2005

appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil and criminal litigation and petitions for penalties in the maximum amount provided by law, including recovery of all legally incurred costs and attorney's fees. This letter also in no way affects any liability that WRS may have for any natural resources damages or contamination that may have been caused by the discharge, or for other violations of applicable federal, state, or local laws and regulations.

The approval to discharge contained in this letter does not become effective until WRS accepts and agrees to the conditions contained herein in writing.


If you have any questions, or wish to discuss water treatment options, feel free to call me.

Sincerely,  
  
Janice Lee Heuer  
Environmental Engineer  
Water Bureau  
231-775-3960, Extension 6203

Attachment

cc: Mr. Andrew Smits, Inland Seas Engineering  
Mr. Larry Lake, Whitewater Township Supervisor  
Mr. Joseph Quandt, Zimmerman, Kuhn, Darling, Boyd, Taylor and Quandt  
Mr. Rick Rusz, DEQ

0 0005 0291 6940

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<p>A. Signature <input type="checkbox"/> Agent  <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery Valeria B. Baker 7-5-05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to:  <b>MR CHRIS HUBBEL CHERRY BLOSSOM L L C 10190 MUNRO RD WILLIAMSBURG MI 48690</b>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) 7001 1940 0005 0291 6940		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 10255-02-000-154



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENVIRONMENTAL LABORATORY

P.O. Box 30270  
Lansing, MI 48909  
TEL: (517) 335-9800  
FAX: (517) 335-9600

Division: WB  
Report to: SY PAULIK  
MDEQ-WB-CADILLAC  
CADILLAC DISTRICT OFFICE  
120 W. CHAPIN STREET, CADILLAC, MI 49601

Total: \$274.60

Lab Work Order #: 50600065  
Work Site ID: LB040160  
Site Name: WILLIAMSBURG RECEIVING  
Received: 06/07/2005  
Reported: 06/29/2005  
Collected By:

Samples Received:

No:	Sample ID	Sample Description	Matrix:	Collection Date
01	AA56224	STORM WATER POND	WATER	06/06/2005
02	AA56225	STORM WATER POND 1	WATER	06/06/2005

I certify that the analysis performed by the MDEQ Environmental Laboratory are accurate and that the laboratory tests were conducted by methods approved by the U.S. Environmental Protection Agency and other appropriate regulatory agencies.

  
Bob Avery, Laboratory Director



MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENVIRONMENTAL LABORATORY

P.O. Box 30270  
Lansing, MI 48909  
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FAX: (517) 335-9600

Sample Number AA56224 STORM WATER POND

CAS#	Analyte Name	Result	Unit	RL	Qualifier	Date Tested	Method	Analyst
16887006	Chloride	524	mg/L	1	D	06/09/2005	325.2	LU
	BOD - Carbonaceous 5 days	1300	mg/L	2		06/08/2005	405.1	GW
	BOD - Total 5 days	1400	mg/L	2		06/08/2005	405.1	GW
TDS	Solids - Total Dissolved	2700	mg/L	20	A	06/10/2005	160.1	TK
	KN TP - Digestion	Completed				06/13/2005	351.2	DS1
7723-14-0	Total Phosphorus	2.9	mg P/L	0.010		06/13/2005	365.4	DS1
7664-41-7	Ammonia	2.8	mg N/L	0.01		06/09/2005	350.1	RA
7727-37-9	Nitrate + Nitrite	0.1	mg N/L	0.01	D	06/09/2005	353.2	RA
	Conductance	2627	umhos/cm			06/08/2005	120.1	RM
	pH	6.63	pH			06/07/2005	150.1	RS
	Solids - Suspended	290	mg/L	4		06/09/2005	160.2	TK
7440-44-0	TOC	590	mg/L	0.5	D	06/10/2005	415.1	MB
	Turbidity	120	NTU	1		06/08/2005	180.1	GW

Sample Number AA56225 STORM WATER POND 1

CAS#	Analyte Name	Result	Unit	RL	Qualifier	Date Tested	Method	Analyst
16887006	Chloride	518	mg/L	1	D	06/09/2005	325.2	LU
	BOD - Carbonaceous 5 days	3700	mg/L	2	H	06/08/2005	405.1	GW
	BOD - Total 5 days	3600	mg/L	2	8 H	06/08/2005	405.1	GW
TDS	Solids - Total Dissolved	4300	mg/L	20	A	06/10/2005	160.1	TK
	Conductance	2638	umhos/cm			06/08/2005	120.1	RM
	pH	5.67	pH			06/07/2005	150.1	RS
	Solids - Suspended	240	mg/L	4		06/09/2005	160.2	TK
	Turbidity	90	NTU	1		06/08/2005	180.1	GW

CAS# : Chemical Abstract Service Registry Number  
RL : Reporting Limit  
ND : Not Detected

ug / L : microgram / liter (ppb)  
mg / L : milligram / liter (ppm)  
ug / Kg : microgram / kilogram (ppb)  
mg / Kg : milligram / kilogram (ppm)

Laboratory Contacts  
Inorganic Unit Mgr: Sandy Gregg  
Organic Unit Mgr: Carol Smith  
Systems Mgmt Unit: George Krisztian